

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 26, 2010

DIVISION ONE

[illegible]

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

B218967 People (Not for Publication)
v.
Block

The judgment is modified by striking the \$500 restitution fine imposed pursuant to section 1202.4, subdivision (b) and by striking the \$500 parole revocation restitution fine imposed pursuant to section 1202.45. The original restitution and parole revocation restitution fines of \$200 each remain in force. As so modified, the judgment is affirmed. The trial court is directed to prepare a new abstract of judgment reflecting this change and to forward it to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION ONE (continued)

B214957 Stark (Not for Publication)
v.
Withrow

The order awarding attorney fees to Withrow is affirmed. Withrow shall recover his costs and attorney fees on appeal, the amount of which shall be determined by the trial court.

Johnson, J.

We concur: Mallano, P.J.
Rothschild, J.

B211487 People v. Juarez (Not for Publication)
B214808 In re Juarez on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Mallano, P.J.
Chaney, J.

B213469 People (Not for Publication)
v.
Diaz

The judgment is affirmed. Defendant's presentence credits are modified to be 670 days of actual custody credit and 100 days of conduct credit, for a total of 770 days. The trial court is directed to amend the abstract of judgment and forward a copy to the Department of Corrections and Rehabilitation.

Mallano, P.J.

We concur: Rothschild, J.
Chaney, J.

DIVISION ONE (continued)

[illegible]

Count 8 is reversed for insufficient evidence. In all other respects, the judgment is affirmed. The trial court is directed to issue an amended abstract of judgment omitting count 8 and reducing the total sentence by eight months and forward a copy to the Department of Corrections and Rehabilitation.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

B212639 People (Not for Publication)
v.
Kincy

The sentence on count 6 is modified to be an eight-month term that is stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed. The trial court is directed to correct the abstract of judgment and forward a copy to the Department of Corrections and Rehabilitation.

Mallano, P.J.

We concur: Rothschild, J.
Johnson, J.

April 26, 2010 (Continued)

DIVISION ONE (continued)

[illegible]

The judgment is reversed.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

DIVISION THREE

B208196 People (Not for Publication)
v.
Steven Henry Zamora

The judgment is modified by reducing the court construction fee from \$5,010 to \$6. (Gov. Code, §§ 70372, 70375). The judgment is further modified by imposing a \$20 state penalty (§ 1464, subd. (a)); a \$14 county penalty (Gov. Code, § 76000, subd. (a)); a \$2 DNA penalty (Gov. Code, § 76104.6, subd. (a)); and a \$2 state-only DNA penalty (Gov. Code, § 76104.7, subd. (a)). The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (continued)

B219178 Arturo Arguelles-Romero, et al.
 v.
 S.C.L.A.
 Americredit Financial Services, Inc.

Filed order vacating submission order of January 12, 2010. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FOUR

B218104 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Angelina O.

The orders are affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
 Manella, J.

B214030 Zakarian (Not for Publication)
 v.
 Fidelity & Guaranty Life Insurance Company

The summary judgment for defendant is affirmed. Defendant is awarded its costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
 Manella, J.

DIVISION FOUR (continued)

B211869 People (Not for Publication)
v.
Redd

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B211190 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B214338 People (Not for Publication)
v.
Wences-Cruz

The order is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

April 26, 2010 (Continued)

DIVISION FOUR (continued)

B212127 People (Not for Publication)
v.
Malone

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B212719 Irwindale Partners, L.P., (Certified for Publication)
v.
United Rock Products Corporation, USA Waste of California, Inc. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

I concur: Kriegler, J.
I concur: Turner, P.J (opinion)

B215298 The Luckman Partnership, Inc.,
v.
S.C.L.A.
Darrell D. and Chenel M. Ramsey

Filed order certifying opinion for publication.

April 26, 2010 (Continued)

DIVISION SIX

B215848 People (Not for Publication)
v.
Lowery

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B221767 M.S. (Not for Publication)
v.
Ventura Human Services Agency

The petition for extraordinary writ is summarily denied.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B211413 De Sitter (Not for Publication)
v.
Gedrick, et al.

The judgment is affirmed. The parties are to bear their own costs on appeal. Respondent's motion to dismiss appeal for mootness is denied.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

April 26, 2010 (Continued)

DIVISION SIX (continued)

B215163 People (Not for Publication)
v.
Paarmann

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B211852 People (Not for Publication)
v.
Lui

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B215071 People (Not for Publication)
v.
Jimenez

We direct the trial court to modify the judgment to impose a \$20 court security fee on each of appellant's three convictions (former § 1465.8, subd. (a)(1)) and to forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION EIGHT

B213306 Sarah Farokhzadeh (Not for Publication)

v.

Too Faces Cosmetics, Inc., et al.

The trial court's order dated November 24, 2008, denying the motion for class certification, is affirmed. Respondents to recover their costs on appeal.

Bigelow, P.J.

We concur: Rubin, J.
Flier, J.

B215702 People (Not for Publication)

v.

Kirakos Ayvazyan

The judgment is modified to reflect that a three-year sentence on count 2 is imposed and stayed pending service of the sentence on count 1 and its related enhancements, such stay to become permanent when service of the sentence under count 1 is completed. It is further modified to reflect the imposition of only one prior prison term pursuant to Penal Code section 667.5, subdivision (b) and on prior narcotics offense pursuant to Health and Safety Code section 11370.2, subdivision (a). The clerk of the superior court is directed to correct the abstract of judgment to reflect this modification and forward the corrected abstract to the Department of Corrections. As modified, the judgment is affirmed.

Bigelow, P.J.

We concur: Rubin, J.
Flier, J.

April 26, 2010 (Continued)

DIVISION EIGHT (continued)

B211008 People (Not for Publication)
v.
Miguel Angel Granados

The judgment is affirmed.

Flier, J.

We concur: Bigelow, P.J.
Grimes, J.